

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
JULY 19, 2010**

ATTENDANCE: David Campbell, First Selectman; David Bayne, Gerald A. Nielsen, Jr.; Callie Sullivan, Jayme J. Stevenson

STAFF: Karl Kilduff, Administrative Officer

CALL TO ORDER

First Selectman Campbell called the meeting to order at 7:45 p.m.

PUBLIC COMMENT

No one from the public wished to comment at this time.

NEW BUSINESS

Discuss and Take Action on Request from William Raveis Real Estate to convert a Town owned Planted Area in Center Street South Parking Lot into a Sidewalk as part of a Planning & Zoning Commission Application.

Atty. Wilder Gleason came forward and said that he was present on behalf of William Raveis. He added that Christine Stark, Officer Manager and another staff member from William Raveis were present. While Mr. Gleason said that this was more of a P&Z issue, he wished to bring the Board up to date on the project. He said that the building would be moved closer to the property line and explained how this would support the development of a public thoroughfare for the public from the Main Street to Old Kings Highway South. A portion of the project would be done on town property. He then outlined the items that should be the Town's responsibility, which includes maintenance and insurance and what would be Raveis' responsibility.

Ms. Sullivan had several questions about the width of the town parcel that would be involved in the project. Atty. Wilder reviewed the details with the Board members. He pointed out that there is a tree that straddles the property line and will most likely have to be removed. Raveis would be willing to replant a tree when the project is completed. Ms. Sullivan said that she would like to see all the abutting properties. Atty. Gleason brought the site plan forward and indicated where the property lines were. Ms. Stevenson pointed out that it would not be a dedicated sidewalk. Atty. Gleason agreed and showed where the gravel driveway would be on the site plan.

Mr. Kilduff said that the Planning and Zoning was looking for the Board's direction as to whether or not a sidewalk would be required since currently it would be an independent, stand along portion of sidewalk. Atty. Gleason added that Raveis would be committed to shovel the sidewalk if required.

Ms. Sullivan asked why Raveis wanted to this. Atty. Gleason said that Raveis felt that it would be in everyone's best interest in the long run. Ms. Stark came forward and said that she had held discussions with the neighbors and the neighbors were in agreement with the project.

Ms. Stevenson said that she was concerned about repair and replacement and having the Town responsible for insurance on the parcel that does not belong to Raveis. Ms. Sullivan asked about lighting in the front of the building, which Atty. Gleason reviewed with the Board. Ms. Stevenson asked about handicapped access. Atty. Gleason indicated where it would be located on the site plan.

The discussion then moved to the outside dining area at the Goose and how the insurance coverage was arranged for that. Mr. Nielsen then asked if the town was responsible for repair and maintenance of the sidewalk. Atty. Gleason explained that if something happened within the perimeter of the dining area, the Goose was responsible, while the Town covered the rest of the sidewalk area. He added that Raveis was interested in a similar arrangement.

Ms. Sullivan said that she would like to understand how the town would treat the strip of land that the Town owns between the buildings. Atty. Gleason said that Raveis would be happy to do whatever the Board wanted regarding this. Ms. Sullivan reiterated that she had concerns about the lighting. Atty. Gleason said that Raveis would be using the town standard for lighting.

Ms. Stevenson said that she would like to see the sidewalk extend to connect to the other sections. Ms. Sullivan said that she agreed with Ms. Stevenson and that she would like to understand how the town came to own this. Mr. Nielsen pointed out that Planning and Zoning would cover many

**** MS. SULLIVAN MOVED TO ACCEPT THE REQUEST BY WILLIAM RAVEIS REAL ESTATE TO CONVERT A TOWN OWNED PLANTED AREA IN CENTER STREET SOUTH PARKING LOT INTO A SIDEWALK AS PART OF A PLANNING & ZONING COMMISSION APPLICATION WITH THE STIPULATION THAT THE TOWN OWNED PARCEL THAT IS ADJACENT IS DONE TO THE CURRENT DOWNTOWN STANDARDS INCLUDING THE SIDEWALK AND LIGHTING.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

b) Discussion Sequencing and Priorities of Major Capital Projects.

Let it be noted that all remarks by all speakers are summarized and not necessarily verbatim.

First Selectman Campbell said that there were three projects were underway and that the deferred maintenance over the years had resulted in structures that were in very poor condition. First Selectman Campbell said that the last major capital project was Town Hall. Due to poor maintenance, rot, mold and deterioration have become problems.

First Selectman Campbell said that one scenario would be to stagger the project start dates, which would reduce the bonding amount needed. There is no better time to build than now since the debt service costs are the lowest in many years, and construction costs are lower. While all this is true, it is important to remember to do what is best for the tax payer. Currently, the Town is paying off debt at a very rapid rate and by 2016 or 2017; the Town should be in very good financial shape.

First Selectman Campbell said that he had created a bar graph that would show the contrast between the old debt and new debt.

It is clear that the Senior Center needs improvement, and the building at 35 Leroy is vacant. He added there was a town owned building that was under utilized. In the past year, it has become clear that the cooling system at Town Hall is not sufficient, using the schools as emergency shelters is not the best plan and the police station is full of mold.

Mr. Nielsen asked about the debt service. Ms. Busch then reviewed the details of the bond refinancing and the refunding that was designed to provide relief in 2010-2011. Discussion followed about the challenge of prioritizing which project should be done first.

Ms. Busch said that the graph has been designed to reduce the impact of debt service and not burden the taxpayer with an increase in the mill rate because of a large debt service payment in the next few years.

First Selectman Campbell said that the good news would be a reduction down to 55 million in a few years. Ms. Busch explained the highwater mark of 98 million was set a few years ago. Mr. Bayne then asked about the different bar charts that he had received in his email. Discussion followed.

Ms. Sullivan asked if the Board of Education had any major projects that would require bonding. Ms. Westcott said that she did not believe so.

Mr. Nielsen asked First Selectman Campbell about a recent email regarding having a pool at Town Hall. First Selectman Campbell said that an architect had drawn up a plan, but if there was a pool, it would have to be privately funded because of Title 9 funding. First Selectman Campbell said that the architect came up with an eight lane pool. Mr. Bayne asked if this pool would be for the swim teams or for the community. First Selectman Campbell said that he had not thought that out yet. Mr. Nielsen said that he liked having the synergy of having the pool for the Senior Center to use.

Mr. Bayne asked how the town would maintain control if the pool was built with private funding. First Selectman Campbell said that he would like to hear from those who were experts in management of a pool first.

Ms. Sullivan said that she was all in favor of a pool, but had many questions about both the capital and operating expenses. First Selectman Campbell said that right now, the Town has buildings that were costly to operate. Both Edgerton and the police station are antiquated and not energy efficient. He said that at the end of the day, the budget would balance out. Ms. Sullivan said that the new library's expenses had increased in the new building. First Selectman Campbell said that the new library expenses had increased by 30%, but that it was a building that was twice the size and that the geo thermal system did not work nearly as well as the Board had been told it would.

Mr. Bayne asked what it would cost if the Board of Education moved to 35 Leroy. Mr. Kilduff said that the Board of Education has an arrangement with the Town for the space that they currently occupy and it was difficult to determine what the actual cost of heating and cooling was in their wing.

Ms. Sullivan asked how the operating costs would be for the Town in the future. First Selectman Campbell said that the cost of the old buildings inefficiencies would decrease and the greater efficiency in the new buildings would reduce their expenses. The discussion then moved to the use of 35 Leroy by the BOE and the remaining 10,000 square feet in the building. First Selectman Campbell said that there were some ideas, such as moving probate court into the space or possibly the housing offices. Mr. Bayne asked about what would happen to the Arts Center. Discussion followed on building management, and other details associated with the location.

Mr. Bayne asked about how this would impact the DECD grant. Mr. Kilduff said that funding could only be used for senior programs. He explained that this degree of details was not yet available.

Ms. Sullivan said that the Senior Center gym was being heavily used.

Ms. Sullivan asked whether First Selectman Campbell felt that the State would be reducing their financial support. Mr. Kilduff said that the largest financial stream that the

Town receives is the ECS funding. He pointed out that when the State has funding problems, the State reduces grant funding. Originally, 100% of the Pequot casino funding was designated to be sent to the towns. However, the State now holds on to over 50% of the funding.

First Selectman Campbell said that thankfully the Town does not rely heavily on the State funding. Ms. Busch pointed out that the total figure for the town was just about 2 million. Once the ECS funding is taken out, it is about \$400,000. First Selectman Campbell said that the tax burden would be greater on the residence.

Ms. Stevenson pointed out that no one really knows what the new tax burden will be after January 1, 2012, when the new taxes are imposed.

Mr. Bayne said that one of his concerns was the fact that by moving the Police Station off until 2012, which will be after the next election. He said that he was concerned about not going forward with the most expensive project. First Selectman Campbell said that while there were problems with the police station, the Senior Center also had significant problems. First Selectman Campbell said that the Board could decide to move forward with both projects, but that would cost 15 million more in bonding.

Ms. Sullivan said that she felt each person should express their priorities and went on to mention the Weed Beach project and the police station. Mr. Kilduff explained that Weed Beach had a very specific time frame from September to May for construction. Originally, there was 2 million bonding and 1.6 million from the general fund. When the general fund was reduced, the project was brought to a halt. Mr. Kilduff said that the Town Counsel had determined that the Town was legally authorized to stop the project and the Board of Selectmen had decided not to sign the contracts. Discussion about whether or not the Board of Finance could stop the project if the funding was not in place. Discussion followed.

Mr. Bayne said that he would rather bond 15 million at 3% rather than at 5% in a few years. Ms. Stevenson said that she believed it to be a balance and that everyone was in agreement about having the projects done. Mr. Nielsen said that he shared Mr. Bayne's concerns. Mr. Bayne said that the operating costs would not be going down because of health care and retirement commitments. He said that it was a tough call, but would like to commit to the projects now when the costs are known. Ms. Busch pointed out that the Town has until September to commit to tax free bonds, but there were stipulations in terms of whether the building would be used by the public. Discussion followed.

Ms. Busch said that if the projects were staggered, the property tax increase would be \$33.00, and if all the projects were started, it would increase property taxes by \$63.00 for the police station alone. All three projects would come to a \$123.00 increase in property taxes. Mr. Johnson, the Chairman of the Police Commission, said that the police station

project was shovel ready and could go out to bid tomorrow. By waiting, the cost of construction will increase. If they increase only 5%, it would be a significant increase in cost. This is public safety and morale issue. The project was approved in 2008 and now it is listed as the last project to start.

Ms. Branigan said that she was on the Board of Selectmen when the Police Station was done 25 years ago. She then asked if the Senior Center was not shovel ready, how long would it take to start the project. First Selectman Campbell said that the Senior Center did not need a shovel. He added that the police station will need to have a third of the building demolished and that he had set a March start date, so that the construction would not be done in winter. Ms. Branigan reminded everyone that if the recession continued, the public would need to have access to the beaches and public facilities.

Ms. Swiatek, the Parks and Recreation Director, said that all the projects were valid, but she needed to remind people it was not just the staff that were at the Senior Center and Weed Beach, but the public also.

It was then pointed out that the police building was the oldest of the three buildings under discussion and there were safety issues there also. Having yet another new Board of Selectmen to deal with would be difficult because the Police Building has already experience at least three new boards. The speaker reiterated the fact that the project is thoroughly vetted and shovel ready. Public safety and education are some of the key reasons that people move to Darien. The speaker also commented that the Police Station simply does not have the space to conduct the activities needed by the force. He concluded by asking the Board to bite the \$123.00 dollar property tax increase bullet and move the projects forward.

Mr. Johnson said that the Town already has invested over 1 million in the drawings and studies for the police station.

Chief Lovello said that aside from the maintenance issues, there has been a change in the juvenile law requires that the youthful offenders not be in same cell block as the adults. He then explained that upgrades on 911 and fiber optics require room for seven foot cabinets, only one of which they have room for at the present time.

Mr. Kilduff said that regarding the Senior Center, a decision will be required in the near future because the roof was rotting, the heating system is failing and there are other major issues which will exceed the cost of the debt service if ignored much longer. First Selectman Campbell said that by using existing space at Town Hall and only having interior remodeling, it would allow that project to move that particular project forward. He added that the Board oversees all the projects. Even if the Senior Center project goes forward now, it would take at least two more years to complete because of a 23 year old roof, a heating system where no one can find parts, and aging, inefficient window air

conditioning units. First Selectman Campbell reminded everyone that the only item of business that was being done at this meeting was discussing the options.

Mr. Johnson said that First Selectman Campbell made an excellent case for the Senior Center. All three of the projects should go forward as fast as possible because it will save the taxpayers money in the long run. Ms. Branigan agreed and said that all three projects should be started now.

Ms. Stevenson said that she appreciated the support to start the projects now, but the exercise was to complete the projects without hitting the taxpayers too hard. Mr. Bayne said that when all the costs are factored in, it would cost 8 million dollars for the senior center. He wondered if there was a more cost efficient way to do this and suggested selling 35 Leroy. Ms. Busch pointed out that the town purchased 35 Leroy and owes the General Fund 3 million dollars. Discussion followed about the details of the projects.

Ms. Sullivan said that while she wanted to move the police station and Weed Beach projects forward. She said that she was still struggling with moving the Senior Center to Town Hall. She said that she believed that the BOE was doing a great job where they are now and would like to see more research on building a brand new center for the seniors. Over and over again, people have been put in spaces never designed for it. Ms. Branigan said that she disagreed with Ms. Sullivan because there was an elevator, social services and many other amenities at Town Hall. Ms. Sullivan replied that she felt that Senior Centers should be independent and free standing rather than in a basement of a building. Ms. Parnon pointed out that when facilities were segregated, it was isolating. Having multi-purpose uses for the town buildings makes the town buildings into centers for the community. Mr. Pankowski said that as the Chairman on Aging, he agreed with the last two speakers. There is so much synergy in Town Hall. The Senior Center project has been delayed too often and it needs to be done as soon as possible.

Ms. Stevenson said that when she wasn't sitting on the Board, it was difficult when the Board made decisions without considering it carefully. Ms. Busch gave a quick timeline for decision deadlines.

Ms. Sullivan said that she wanted to review some of the projections and operating costs on the projects from Beinfeld. Ms. Westcott said that the staff would take a look at the projections.

Mr. Bayne said that he had asked for an updated appraisal on 35 Leroy. Mr. Kilduff said that it was currently being worked on. Mr. Bayne said that he would like membership data and attendance for the Senior Center. Ms. Swiatek then distributed copies of attendance information. She said that there are currently 680 members, which is a significant portion of the seniors in the community. She said that the new director was

doing wonderful programs and if they were doing those programs in the current building now, imagine what could be done in Town Hall.

Discuss Recommendations form the Flood Mitigations Strategy Committee.

First Selectman Campbell said that they would prioritize the list from Mr. Flaherty. Mr. Bayne said that there should be some kind of public education session and a public hearing. He suggested contacting the residents involved and discuss this with them. FEMA just redid their maps and these residents were not included. They are not eligible for FEMA flood insurance. Ms. Sullivan asked what the town would get out of this. Mr. Kilduff said that these individuals had repeated losses and it could affect their property values. Mr. Nielsen said that having a meeting with these individuals would be the first step.

The discussion then moved to Item #2, which Mr. Kilduff said was already being done and policies already existed, but were not written down. Ms. Sullivan said that this should be done.

Regarding Item #3, First Selectman Campbell said that there were not many properties available for purchases. Mr. Kilduff said that there were a few properties on Cherry Street that were repetitive loss properties. It would be good to have this as a policy even though no property has been purchased to date.

The Board then considered Item #4. Mr. Kilduff gave a brief overview of the suggestion and explained that this suggestion be used as a tool and applied on a case by case basis. Two of the suggested actions fall within Planning and Zoning bailiwick.

Item #5 deals with maintaining the development of the Town's Geographic Information System. The discussion then moved to Item #6, and the potential addition of staff. Mr. Kilduff reminded everyone that the Board would have to decide if this was a staff position, a contract position, and how it would be handled.

Mr. Nielsen said that he had some questions about Item #7. If there is a blockage on private land, the Town can not go onto the land to remove it. Ms. Stevenson said that there were a number of houses with walls along the stream, having individuals following guidelines or blue prints seems to be the focus. Mr. Kilduff indicated that this was covered in point 'ii'. Ms. Sullivan suggested that the wording be changed to "Empowering property owners to maintain watercourse channels..." Discussion followed.

Ms. Stevenson said that Darien was on Channel 12 news earlier in the day when the rainfall caused the railroad underpass to flood. Mr. Flaherty was very articulate on these issues mentioned in Item #9.

It was pointed out that Item #10 is already underway.

Ms. Stevenson said that she would like to have more information on the rain gauge and the stream gauge mentioned in Item #11.

Mr. Bayne said that he liked the idea of the Flood and Erosion Control Board from the Environmental Protection Commission.

TRANSFERS

Public Works Department

**** MR. BAYNE MOVED THE FOLLOWING RESOLUTION:**

RESOLVED:

**THAT THE FOLLOWING TRANSFER OF APPROPRIATIONS IS
APPROVED FOR REFERRAL TO THE BOARD OF FINANCE:**

**THE SUM OF \$30,000 FROM RESERVE FUND CONTING.
(ACCOUNT # 30111014-908600) TO REPLACE SCALE DECK
(ACCOUNT # TBD)**

**** MS SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

FIRST SELECTMAN'S REPORT

No report.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff reported that the grant application went off today and that the deadline is tomorrow.

Safe Rides is moving through the Risk Management process and only needs to be finalized. He said that this could be ready by next month.

The Tree Commission is anticipating having a meeting sometime this week. There has been some correspondence regarding the focus of the Commission and another issue that had already been discussed earlier. Ms. Sullivan asked when they would become active. Mr. Kilduff explained the process. Mr. Bayne asked if they were working with TGS&A on this. Mr. Kilduff replied that the Committee was working on their own.

Mr. Kilduff said that if there was a need to determine where the Parking fees were to go, it must be done by September in order to schedule a public hearing so that a November decision can be reached. Mr. Bayne asked if the incentive parking yielded any results. Mr. Kilduff said that only one lot has yielded any serious interest.

AGENDA REVIEW

Mr. Bayne said that before scheduling the vote, there should be a another public discussion. First Selectman Campbell said that he felt it would be a September vote.

Ms. Sullivan said that she had requested a meeting with Planning and Zoning.

APPOINTMENTS/REAPPOINTMENT

Consider and take action on the following re-appointments:

- a) **Ed Sweeney to the Environmental Protection Commission for a 3 year term beginning on July 1, 2010 and expiring on June 30, 2013.**

**** MR. NIELSEN MOVED TO APPROVE THE REAPPOINTMENT OF ED SWEENEY TO THE ENVIRONMENTAL PROTECTION COMMISSION FOR A 3 YEAR TERM BEGINNING ON JULY 1, 2010 AND EXPIRING ON JUNE 30, 2013.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

July 20, 2010	Board of Finance Regular Meeting at 7:30 p.m.
July 21, 2010	Parks & Recreation Commission Regular Meeting at 7:30 p.m.
July 27, 2010	Board of Education Regular Meeting at 7:30 p.m.
August 2, 2010	Board of Selectmen Regular Meeting at 7:45 p.m.

ADJOURNMENT

**** MS. STEVENSON MOVED TO ADJOURN.**

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services